

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**PAIGE CARTER, Special Administrator of
the ESTATE OF KEVEIN C. CARTER,
Deceased,**

Plaintiff,

v.

**SCOTT FRAKES, Former Director of the
Nebraska Department of Correctional
Services, in his individual capacity;
MICHELE WILHELM, Warden of Nebraska
State Penitentiary, in her individual
capacity;
DR. HARBANS DEOL, Former Medical
Director for Nebraska Health Services, in
his individual capacity;
SHELBY BARRAGAN-LOPEZ, in her
individual capacity;
MICHAEL MCCANN, in his individual
capacity;
CHARICE TALLEY, in her individual
capacity;
JEFFERY REED, in his individual
capacity;
DOUGLAS HEMINGER, in his individual
capacity;
MATT HECKMAN, in his individual
capacity;
FRANKLIN HOWARD, in his individual
capacity;
KIM MCGILL, in her individual capacity;
and
JOHN/JANE DOES 1-6, all employees of
Nebraska State Penitentiary, in their
individual capacities,**

Defendants.

Case No: 8:23-cv-485

MOTION TO DISMISS

COMES NOW, the Defendant, Dr. Harbans Deol, Former Medical Director for Nebraska Health Services, in his individual capacity, pursuant to Fed. R. Civ. P. 12(b)(6), hereby moves for dismissal of the Complaint on the basis that Plaintiff fails to state a claim for which any relief may be granted.

WHEREFORE, Defendant respectfully requests the Court grant the Motion to Dismiss and dismiss Plaintiff's claims with prejudice.

DATED this 4th day of March, 2024.

**DR. HARBANS DEOL, Former Medical
Director for Nebraska Health Services
in his individual capacity, Defendant.**

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Nebraska Attorney General

BY: /s/ Joseph Messineo
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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2024, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Nebraska, causing notice of such filing to be served upon all parties registered on the CM/ECF system as follows:

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